



# **Office of State and Federal Policy Legislative Brief**

## **Board of Health Policy Committee**

**May 5, 2017**

## Contents

Budget Bills .....	3
Community and Family Health .....	4
General Counsel.....	5
Office of State and Federal Policy .....	9
Operations .....	14
Prevention and Preparedness Services .....	16
Protective Health Services .....	16

# Budget Bills



## 1 Bills On Report

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[HB2365](#) **Paraphrase:** HB2365, by Rep. Leslie Osborn, R-Mustang and Sen. Kimberly



David, R-Porter, creates a new cigarette of \$.075 per cigarette or \$1.50 per pack. The bill creates the Health Care Authority Enhancement Fund, the Mental Health and Substance Abuse Enhancement Fund, the Human Services Enhancement Fund, Oklahoma State University Medical Authority Enhancement Fund and the Health Department Enhancement Fund and establishes apportionment for each fund from the new tax. It adds that after July 1, 2018, 100 percent of the revenue from the additional cigarette tax would go to the Health Care Enhancement Fund. The measure also creates a new tax on gasoline and diesel fuel equal to \$.06 per gallon and directs that the revenue go to the Rebuilding Oklahoma Access and Driver Safety (ROADS) Fund. The bill sets a sunset date of September 1, 2017 for the following: incremental production from secondary recovery projects; incremental production from tertiary recovery projects; reestablished production from an inactive well; production from a production enhancement projects; production from deep wells with a depth between 12,500 and 14,999 feet; production from new discovery wells; production using 3-D seismic technology; and production from a an economically at risk oil and gas lease. It caps that the rebates allowed for production of an economically at risk oil and gas lease at \$8.333 million for calendar year 2017. (Amended by House, Committee Substitute)

**Effective Date:** 11/01/2017    **Emergency:** No

**Principal Authors:** Osborn, Leslie (H); David, Kimberly (S)

**Status:** H General Order    **Status Date:** 05/01/2017

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# Community and Family Health



## 3 Bills On Report

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[HB1996](#) **Paraphrase:** HB1996, by Rep. John Jordan, R-Yukon and Sen. Chris Kidd, R-



Addington, recreates the Oklahoma Partnership for School Readiness Board until July 1, 2021. (Amended by Senate)

**Effective Date:** / / **Emergency:** No

**Principal Authors:** Jordan, John (H); Kidd, Chris (S)

**Status:** H Senate Amendments - Pending **Status Date:** 04/18/2017

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[SB0231](#) **Paraphrase:** SB0231, by Sen. Nathan Dahm, R-Broken Arrow and Rep.



Bobby Cleveland, R-Slaughterville, repeals language statutory language related to the School Health Coordinators Pilot Program.

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Dahm, Nathan (S); Cleveland, Bobby (H)

**Status:** Governor Action - Signed **Status Date:** 04/24/2017

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[SB0595](#) **Paraphrase:** SB0595, by Sen. Darcy Jech, R-Kingfisher and Rep. Kyle Hilbert,



R-Depew, creates the Farmers Market Liability Limitation Act and defines related terms. The bill provides that any participant assumes the inherent risk of attending, buying or selling goods at a farmers market registered with the Oklahoma Department of Agriculture, Food, and Forestry. It allows the farmers market operator to plead an affirmative defense of assumption of risk by the participant if a participant brings an action for damages arising from the operation of a registered farmers market. The bill requires any limitation on legal liability afforded to a registered farmers market operator be in addition to any other limitation of legal liability otherwise provided by law. It provides instances for limited liability.

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Jech, Darcy (S); Hilbert, Kyle (H)

**Status:** Governor Action - Signed **Status Date:** 05/03/2017

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## General Counsel



### 9 Bills On Report

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[HB1552](#) **Paraphrase:** HB1552, by Rep. George Faught, R-Muskogee and Sen. David



Holt, R-Oklahoma City, requires approval by joint resolution of any proposed rule which modifies the scope of practice of any occupation contained within Title 59, provided the resolution becomes law in accordance with Section 11 of Article VI of the Oklahoma Constitution. It provides the rule will be deemed disapproved if the Legislature fails to approve the rule on or before the last day of the legislative session. It exempts any proposed rule that modifies the scope of practice from the other procedures governing legislative approval of administrative rules.

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Faught, George (H); Holt, David (S)

**Status:** Governor Action - Veto **Status Date:** 04/26/2017

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[HB1553](#) **Paraphrase:** HB1553, by Rep. George Faught, R-Muskogee and Sen.



Anthony Sykes, R-Moore, requires approval by joint resolution of any proposed rule that increases fees, provided the resolution becomes law in accordance with Section 11 of Article VI of the Oklahoma Constitution. It provides the rule will be deemed disapproved if the Legislature fails to approve the rule on or before the last day of the legislative session. It exempts any proposed rule that modifies the scope of practice from the other procedures governing legislative approval of administrative rules.

**Effective Date:** 11/01/2017 **Emergency:** No  
**Principal Authors:** Faught, George (H); Sykes, Anthony (S)  
**Status:** Governor Action - Veto **Status Date:** 05/01/2017

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[HB1559](#) **Paraphrase:** HB1559, by Rep. Jon Echols, R-Oklahoma City and Sen. Ervin Yen, R-Oklahoma City, adds any federal Food and Drug Administration-approved cannabidiol drug or substance to the definition of the term "Marihuana." (Amended by House)



**Effective Date:** 11/01/2017 **Emergency:** No  
**Principal Authors:** Echols, Jon (H); Yen, Ervin (S)  
**Status:** Governor Action - Signed **Status Date:** 04/17/2017

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[HB1894](#) **Paraphrase:** HB1894, by Rep. Kevin Calvey, R-Oklahoma City and Sen. Anthony Sykes, R-Moore, modifies the definition of "person legally authorized to make health care decisions" within the Nondiscrimination in Treatment Act. The bill authorizes those reasonably available and willing to make health care decisions for an adult patient or patient under 18 years of age who has consented to have services provided by health professionals but is otherwise persistently unconscious, incompetent or otherwise mentally or physically incapable of communicating under the same standard as that applicable to making life-sustaining treatment decisions. It also establishes procedures for permitting health care provider or class member to petition a court for jurisdiction over a guardianship proceeding concerning the patient. The bill prohibits an individual who has been found to have committee abuse, verbal abuse or exploitation from making case decisions for an incapacitated person. (Amended by House)



**Effective Date:** 11/01/2017 **Emergency:** No  
**Principal Authors:** Calvey, Kevin (H); Sykes, Anthony (S)  
**Status:** Governor Action - Signed **Status Date:** 05/01/2017

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[HB1944](#) **Paraphrase:** HB1944, by Rep. John Jordan, R-Yukon and Sen. Nathan Dahm, R-Broken Arrow, modifies definitions within the Administrative Procedures Act. It gives the Governor the authority to approve or disapprove agency rules. It allows the him or her 45 calendar days from receipt of a rule to approve or disapprove the rule and establishes a notification process to state agencies of



the approval or disapproval of rules. It adds that rules not approved by the Governor will not become effective unless otherwise approved by the Legislature by joint resolution. It also establishes a process by which the Legislature may approve an agency rule by joint resolution. (Amended by House, Amended by Senate, Stricken Title, Stricken enacting clause, Committee Substitute)

**Effective Date:** 11/01/2017   **Emergency:** No

**Principal Authors:** Jordan, John (H); Dahm, Nathan (S)

**Status:** Conferees Named (House)   **Status Date:** 05/03/2017

**Committee(1):** [H Conf Comm on Administrative Rules \(C\)](#)

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[HB1999](#) **Paraphrase:** HB1999, by Rep. John Jordan, R-Yukon and Sen. Nathan Dahm,



R-Broken Arrow, requires all rules promulgated by every agency, board and commission to sunset once every four years. It requires a joint committee to be formed by members of the House and Senate during the preceding year of the sunset of each agency's rules. It requires the committee be made up of five members of the House and five members of the Senate. It establishes the process for appointing the chair and vice chair. It provides the members of the review committee do not have to be the same for each agency, board and commission. It requires a review of the rules to be conducted during the interim with a recommendation being made for the rejection and removal of any rules as needed. (Amended by House, Amended by Senate, Stricken Title, Stricken enacting clause)

**Effective Date:** / /   **Emergency:** No

**Principal Authors:** Jordan, John (H); Dahm, Nathan (S)

**Status:** Conferees Named (House)   **Status Date:** 05/03/2017

**Committee(1):** [H Conf Comm on Administrative Rules \(C\)](#)

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[SB0030](#) **Paraphrase:** SB0030, by Sen. A J Griffin, R-Guthrie and Rep. Tammy West,



R-Bethany, requires any facility in which abortions, other than abortions necessary to prevent the death of the mother, are performed, induced, prescribed for, or where the means for the procedure are provided to post specified signage. It provides for the requirements of said signage's formatting and placement. It requires the State Health Department to only utilize funds specifically set aside for the provisions therein. It requires the Department to


use its official, online social media platforms to promote the unique URL specified therein. It requires the Department to promulgate necessary rules. (Amended by Senate, Emergency Measure, Committee Substitute)

**Effective Date:** 07/01/2017 **Emergency:** Yes

**Principal Authors:** Griffin, A J (S); West, Tammy (H)

**Status:** Governor Action - Signed **Status Date:** 04/26/2017

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[SB0191](#)  **Paraphrase:** SB0191, by Sen. Roger Thompson, R-Okemah and Rep. (Frm Brumbaugh) VACANT, R-, requires a delay in providing access to records under the Open Records Act be limited solely to the time required for preparing the requested documents and the avoidance of excessive disruptions of the public body's essential functions. It provides that a current request for records cannot be unreasonably delayed until after completion of a prior records request that will take substantially longer than the current request.

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Thompson, Roger (S); VACANT, (Frm Brumbaugh) (H)

**Status:** Governor Action - Signed **Status Date:** 05/03/2017

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[SB0697](#)  **Paraphrase:** SB0697, by Sen. Anthony Sykes, R-Moore and Rep. George Faught, R-Muskogee, declares all rulemaking authority delegated by the Legislature to executive branch agencies be used only to implement law or policy as set by the Legislature. It requires all administrative rules, including those already in existence, to include a specific reference to the statutory provision or federal regulation that delegates the authority for promulgation of such rule within three years. (Amended by House, Committee Substitute)

**Effective Date:** / / **Emergency:** No

**Principal Authors:** Sykes, Anthony (S); Faught, George (H)

**Status:** S House Amendments - Read **Status Date:** 04/20/2017

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# Office of State and Federal Policy



## 11 Bills On Report

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[HB1703](#) **Paraphrase:** HB1703, by Rep. Kevin Calvey, R-Oklahoma City and Sen. Greg



Treat, R-Oklahoma City, creates the Choosing Childbirth Act which requires the State Department of Health to make grants to a grant-supervising entity for the purpose of reimbursing private organizations in Oklahoma for the expense of programs providing nonprofit, pro-life organizations. It requires the Department to monitor the organizations to ensure grant money is spent in certain ways. It requires the Act to be implemented when funds become available. (Amended by House, Amended by Senate)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Calvey, Kevin (H); Treat, Greg (S)

**Status:** H Senate Amendments - Pending **Status Date:** 05/01/2017

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[HB2237](#) **Paraphrase:** HB2237, by Rep. Glen Mulready, R-Tulsa and Sen. Greg Treat,



R-Oklahoma City, changes all references of the State and Education Employees Group Insurance Act to the Oklahoma Employees Insurance and Benefits Act. It modifies the duties of the Office of Management and Enterprise Services. It allows OMES to contract with one or more third-party vendors for purposes of offering alternative medical plans for consideration by participants. It stipulates the requirements of the plan. (Amended by House, Amended by Senate, Stricken Title)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Mulready, Glen (H); Treat, Greg (S)

**Status:** Conferees Named (House) **Status Date:** 05/03/2017

**Committee(1):** [H Conf Comm on Rules \(C\)](#)

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[HB2316](#) **Paraphrase:** HB2316, by Rep. Charles McCall, R-Atoka and Sen. Mike



Schulz, R-Altus, permits the governor to appoint or replace any officers appointed by the governor. It removes the requirement that the removal be for in incompetency, neglect of duty, or malfeasance in office and to then fill the same as provided in cases of vacancy. It also grants the House Speaker and the Senate President Pro Tempore the power to appoint, remove or replace any of their respective appointments on any agency, board or commission, in addition to any appointments created by expiring terms or vacancies provided by law. It exempts appointments to any agency, board or commission if the appointment authority is provided for in the Constitution. It provides that appointments to the following boards and commissions may be removed and replaced without cause by their appointment authority: Oklahoma Employment Security Commission; Mental Health and Substance Abuse Services; Long-Range Capital Planning Commission; Oklahoma Health Care Authority Board; and the State Board of Career Technology Education. (Amended by House, Amended by Senate, Stricken Title)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** McCall, Charles (H); Schulz, Mike (S)

**Status:** Conferees Named (House) **Status Date:** 05/03/2017

**Committee(1):** [H Conf Comm on Administrative Rules \(C\)](#)

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[SB0144](#) **Paraphrase:** SB0144, by Sen. Jason Smalley, R-Stroud and Rep. Scott Martin,



R-Norman, broadens eligibility for the Physician Manpower Training Commission, now accounting for physician assistants and nurse practitioners. It eliminates outdated language. It requires the Commission to promulgate rules. (Amended by House, Amended by Senate, Committee Substitute)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Smalley, Jason (S); Martin, Scott (H)

**Status:** Conference - Requested **Status Date:** 05/01/2017

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[SB0506](#) **Paraphrase:** SB0506, by Sen. Stephanie Bice, R-Oklahoma City and Rep.



John Pfeiffer, R-Mulhall, creates the Healthy Food Financing Act. It specifies the intent of the Legislature that funding provided to eligible entities will expand and stimulate economic activity in low-income and underserved areas. It defines terms used therein. It creates the Health Food Financing Revolving Fund. It specifies the uses for the fund. It provides for deposits into the fund. It

directs the Oklahoma Department of Agriculture, Food, and Forestry to administer program. It requires the State Board of Agriculture to promulgate rules. It requires an annual report by the Department to the Legislature on projects funded, the geographic distribution of the projects, the costs of the program, and the outcomes, including the number and type of jobs created and health initiatives associated with the program. (Amended by Senate, Committee Substitute)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Bice, Stephanie (S); Pfeiffer, John (H)

**Status:** Governor Action - Signed **Status Date:** 04/25/2017

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[SB0652](#) **Paraphrase:** SB0652, by Sen. Anastasia Pittman, D-Oklahoma City and Rep.



George Young, D-Oklahoma City, requires the Secretary of Health and Human Services to apply for grant funding from the U.S. Department of Health and Human Services for the purposes of identifying health disparities related to sickle cell disease; assessing the utilization of therapies and strategies to prevent complications related to sickle cell disease; and other purposes permitted by federal laws and regulations. It requires the State Board of Health to promulgate necessary rules. (Amended by Senate)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Pittman, Anastasia (S); Young, George (H)

**Status:** Governor Action - Signed **Status Date:** 05/03/2017

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[SB0726](#) **Paraphrase:** SB0726, by Sen. A J Griffin, R-Guthrie and Rep. Glen Mulready,



R-Tulsa, defines the terms "store and forward technologies" and "telemedicine." The bill allows a valid physician-patient relationship to be established by a physician with a patient located in Oklahoma via telemedicine when certain conditions are met. The bill requires telemedicine encounters comply with the Health Insurance Portability and Accountability Act of 1996 and ensure that all patient communications and records are secure and confidential. It provides telemedicine encounters cannot be used to establish a valid physician-patient relationship for the purpose of prescribing opiates, synthetic opiates, semisynthetic opiates, benzodiazepine or carisprodol, but may be used to prescribe opioid antagonists or partial antagonists. It provides a physician-patient relationship cannot be created solely based on the receipt of patient

health information by a physician. It provides the duties and obligations created by a physician-patient relationship will not apply until the physician affirmatively undertakes to diagnose and treat the patient or participates in the diagnosis and treatment of the patient. (Amended by House, Amended by Senate, Committee Substitute)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Griffin, A J (S); Mulready, Glen (H)

**Status:** Sent to Governor **Status Date:** 05/04/2017

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[SB0730](#) **Paraphrase:** SB0730, by Sen. Frank Simpson, R-Ardmore and Rep. Pat



Ownbey, R-Ardmore, removes the requirement that Veterans Centers be non-smoking by Jan. 1, 2018.

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Simpson, Frank (S); Ownbey, Pat (H)

**Status:** Governor Action - Signed **Status Date:** 04/25/2017

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[SB0741](#) **Paraphrase:** SB0741, by Sen. Adam Pugh, R-Edmond and Rep. Tammy



West, R-Bethany, requires the State Department of Health, subject to the availability of funds, to develop and administer a program with the Oklahoma Health Care Authority that will encourage the timely and appropriate use of primary care services in lieu of emergency room utilization. It permits the Oklahoma Health Care Authority and the State Department of Health to collaborate with city-county and county health departments and other relevant stakeholders in the development of the program. It modifies the program components. (Amended by House, Amended by Senate, Committee Substitute)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Pugh, Adam (S); West, Tammy (H)

**Status:** S House Amendments - Read **Status Date:** 04/26/2017

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[SB0774](#) **Paraphrase:** SB0774, by Sen. Kimberly David, R-Porter and Rep. Chad



Caldwell, R-Enid, modifies the fee for an application for a license, or renewal thereof, to establish or operate a residential care home, changing it from \$50 to an amount established by the State Board of Health by rule, provided such fee does not exceed \$10 per bed or \$500. It requires all residential care homes to

have or employ a licensed administrator for the home, replacing the requirement for the homes to have or employ a certified administrator for the home. The bill also requires each home that proposes new construction or major alteration to submit construction plans to the Department for review prior to the start of construction. It permits the Department to assess a fee for the review in an amount not more than 0.15 percent of \$25,000, whichever is less, per project of the total construction cost of the facility or modification. It requires the State Board of Health to promulgate rules for submission and resubmission of construction plans to ensure the timely review. It reduces the number of times residential care homes must be inspected from three times annually to one time annually. It eliminates the requirement that the inspections be unannounced and permits the inspections to be unannounced. It also eliminates the requirement that one person be invited from a statewide organization of the elderly or disabled by the Department to act as a citizen observer in any inspection and changes it to permits one person be invited from a statewide organization of the elderly or disabled by the Department to act as a citizen observer in any inspection. (Amended by House, Amended by Senate, Stricken Title, Stricken enacting clause, Committee Substitute)

**Effective Date:** 11/01/2017   **Emergency:** No

**Principal Authors:** David, Kimberly (S); Caldwell, Chad (H)

**Status:** S House Amendments - Read   **Status Date:** 04/27/2017

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[SB0806](#) **Paraphrase:** SB0806, by Sen. John Sparks, D-Norman and Rep. Carol Bush,



R-Tulsa, provides nutrition standards for all licensed child care facilities and eliminates screen time for children less than two years of age with the exception of special occasions. (Amended by House, Amended by Senate, Stricken Title, Stricken enacting clause)

**Effective Date:** 11/01/2017   **Emergency:** No

**Principal Authors:** Sparks, John (S); Bush, Carol (H)

**Status:** Conference - Requested   **Status Date:** 04/24/2017

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# Operations



## 7 Bills On Report

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[HB1444](#) **Paraphrase:** HB1444, by Rep. Dustin Roberts, R-Durant and Sen. Ron Sharp,



R-Shawnee, designates Good Friday and the Friday before Easter as state holidays. (Amended by Senate, Stricken Title)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Roberts, Dustin (H); Sharp, Ron (S)

**Status:** Conferees Named (House) **Status Date:** 05/02/2017

**Committee(1):** [H Conf Comm on Gen Govt Oversight and Accountability \(C\)](#)

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[HB1555](#) **Paraphrase:** HB1555, by Rep. George Faught, R-Muskogee and Sen. Marty



Quinn, R-Claremore, transfers the State Employee Assistance Program from the Office of Management and Enterprise Services to the Department of Mental Health and Substance Abuse Services. (Amended by Senate, Emergency Measure)

**Effective Date:** 07/01/2017 **Emergency:** Yes

**Principal Authors:** Faught, George (H); Quinn, Marty (S)

**Status:** Governor Action - Signed **Status Date:** 05/03/2017

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[HB1868](#) **Paraphrase:** HB1868, by Rep. Jason Dunnington, D-Oklahoma City and Sen.



Roger Thompson, R-Okemah, requires any state employee earning less than \$30,000 annually to receive overtime pay, instead of compensatory time, for all hours worked over 40 hours a week beginning November 1, 2017. (Amended by House, Amended by Senate, Stricken Title, Committee Substitute)


**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Dunnington, Jason (H); Thompson, Roger (S)

**Status:** Conferees Named (House) **Status Date:** 05/02/2017

**Committee(1):** [H GCCA, General Conference Committee on Appropriations \(H\)](#)

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[HB1887](#)  **Paraphrase:** HB1887, by Rep. Pat Ownbey, R-Ardmore and Sen. A J Griffin, R-Guthrie, decreases the length of time a minor has to live in a prospective adoptive home in order for medical and social history records to be disclosed.

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Ownbey, Pat (H); Griffin, A J (S)

**Status:** Governor Action - Signed **Status Date:** 04/06/2017

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[HB1912](#)  **Paraphrase:** HB1912, by Rep. Roger Ford, R-Midwest City and Sen. Chris Kidd, R-Addington, modifies the provisions of receiving a disinterment permit. It requires the permit to be had before disinterment and reinterment of a dead body or fetus. It requires the application for a disinterment to include consent from the next of kin; other than the case of a medical legal in which the State Medical Examiner still retains his or her rights. It also accounts for a judge's order for said remains. It removes the rights of cemeteries to disapprove a disinterment. The bill excludes permits from being required for fetuses which will be disinterred and reinterred in the same cemetery. It requires forms to be obtained from the State Registrar of Vital Records. (Amended by House)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Ford, Roger (H); Kidd, Chris (S)

**Status:** Governor Action - Signed **Status Date:** 05/02/2017

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[SB0321](#)  **Paraphrase:** SB0321, by Sen. Marty Quinn, R-Claremore and Rep. Avery Frix, R-Muskogee, increases from 20 to 21 the number of days prior to the date set for opening bids that notice of all proposals to award public construction contracts must be published in a newspaper of general publication.

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Quinn, Marty (S); Frix, Avery (H)

**Status:** Governor Action - Signed **Status Date:** 04/13/2017

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[SB0799](#) **Paraphrase:** SB0799, by Sen. Anthony Sykes, R-Moore and Rep. Chris





Kannady, R-Oklahoma City, authorizes an agency, board, commission or other entity of state government to adopt policies permitting employees to use accrued leave for the purposes of physical fitness and wellness. The bill establishes eligibility criteria and limitations and directs the Director of the Office of Management and Enterprise Services to promulgate necessary rules. (Amended by House, Amended by Senate, Stricken Title, Stricken enacting clause, Committee Substitute)

**Effective Date:** / / **Emergency:** No

**Principal Authors:** Sykes, Anthony (S); Kannady, Chris (H)

**Status:** S House Amendments - Read **Status Date:** 04/27/2017

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## Prevention and Preparedness Services



0 Bills On Report

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## Protective Health Services



12 Bills On Report

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[HB1607](#) **Paraphrase:** HB1607, by Rep. John Enns, R-Enid and Sen. Roland Pederson,  R-Burlington, exempts the rear-facing child passenger restraint system requirement prescribed therein shall in instances of a child passenger being transported by a parent who has been rightfully issued a detachable placard indicating physical disability or a physically disabled license plate. (Amended by Senate, Committee Substitute)  
**Effective Date:** // **Emergency:** No  
**Principal Authors:** Enns, John (H); Pederson, Roland (S)  
**Status:** H Senate Amendments - Pending **Status Date:** 04/18/2017


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[HB1620](#) **Paraphrase:** HB1620, by Rep. Cyndi Munson, D-Oklahoma City and Sen. Robert Standridge, R-Norman, requires the State Board of Health to promulgate rules that require all medical and direct care staff of nursing and specialized facilities, adult day care centers, assisted living centers and home health agencies licensed by the State Department of Health to complete, at a minimum, one hour of in service training per year in Alzheimer's and dementia-related care. It provides the curriculum for the training. It requires the Board to promulgate rules establishing appropriate training requirements for support staff working in listed facilities. (Amended by Senate, Committee Substitute)  
**Effective Date:** 11/01/2017 **Emergency:** No  
**Principal Authors:** Munson, Cyndi (H); Standridge, Robert (S)  
**Status:** H Enrolled **Status Date:** 05/04/2017

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[HB1843](#) **Paraphrase:** HB1843, by Rep. Leslie Osborn, R-Mustang and Sen. Stephanie Bice, R-Oklahoma City, modifies the definition to "stretcher van passenger" in relation to the Oklahoma Emergency Response Systems Development Act, adding an exemption. (Amended by House, Emergency Measure)  
**Effective Date:** 07/01/2017 **Emergency:** Yes  
**Principal Authors:** Osborn, Leslie (H); Bice, Stephanie (S)  
**Status:** Governor Action - Signed **Status Date:** 04/13/2017

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[HB2039](#) **Paraphrase:** HB2039, by Rep. Kevin Wallace, R-Wellston and Sen. Robert Standridge, R-Norman, allows a pharmacist or employee of a pharmacy to receive a prescription or deliver a legally filled prescription to a facility where medical care or pharmacy services are received by a patient. It requires the 

Board of Pharmacy to promulgate rules. It modifies definitions used therein. It allows naloxone to be prescribed and dispensed by a licensed pharmacist unless otherwise provided. It requires no dispensing protocol be required. It allows a pharmacist to exercise his or her professional judgment to dispense varying quantities of medication per fill-up to the total number of dosage units as authorized by the prescriber on the original prescription including any refills unless specified on the prescription that dispensing it is medically necessary. It provides for quantity limitations. (Amended by House, Amended by Senate, Committee Substitute)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Wallace, Kevin (H); Standridge, Robert (S)

**Status:** H Enrolled **Status Date:** 05/04/2017

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[SB0180](#) **Paraphrase:** SB0180, by Sen. Greg McCortney, R-Ada and Rep. Chad



Caldwell, R-Enid, provides existing statute should not be construed to require a hospice to employ a certified home health aide in the provision of hospice services so long as the hospice employs a certified nurse aide. It requires a person qualified by the Department of Health as a certified nurse aide to be deemed to have met the requirements to work as a home health aide under the provisions of the Home Care Act and to require no further licensure for performing services within the scope of practice of home health aides.

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** McCortney, Greg (S); Caldwell, Chad (H)

**Status:** Governor Action - Signed **Status Date:** 04/24/2017

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[SB0508](#) **Paraphrase:** SB0508, by Sen. Nathan Dahm, R-Broken Arrow and Rep. Jeff




Coody, R-Grandfield, modifies the definition to "home food establishment" in relation to the Home Bakery Act of 2013 to permit food prepared at a residence to be sold at farmers markets, on site, at cooperatives, through membership-based buying clubs or for delivery. It moves regulation under the act from the Oklahoma State Department of Health to the Department of Agriculture, Food and Forestry and authorizes the department to promulgate necessary rules. It permits the department to request written documentation to verify the gross annual sales of a home food establishment upon a consumer complaint. (Amended by Senate)

**Effective Date:** 11/01/2017 **Emergency:** No  
**Principal Authors:** Dahm, Nathan (S); Coody, Jeff (H)  
**Status:** Governor Action - Signed **Status Date:** 04/24/2017


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[SB0594](#)  **Paraphrase:** SB0594, by Sen. Darcy Jech, R-Kingfisher and Rep. Rhonda Baker, R-Yukon, grants the State Board of Agriculture the authority to promulgate rules governing the approval of milk and milk product facilities within the Oklahoma Milk and Milk Products Act and removes the Department of Environmental Quality from the process. The bill also adds the words willfully, recklessly, or negligently to the definition of any person who violates the provisions of the Oklahoma Milk and Milk Products Act. (Amended by House, Amended by Senate, Committee Substitute)  
**Effective Date:** 11/01/2017 **Emergency:** No  
**Principal Authors:** Jech, Darcy (S); Baker, Rhonda (H)  
**Status:** S House Amendments - Read **Status Date:** 04/27/2017

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[SB0595](#)  **Paraphrase:** SB0595, by Sen. Darcy Jech, R-Kingfisher and Rep. Kyle Hilbert, R-Depew, creates the Farmers Market Liability Limitation Act and defines related terms. The bill provides that any participant assumes the inherent risk of attending, buying or selling goods at a farmers market registered with the Oklahoma Department of Agriculture, Food, and Forestry. It allows the farmers market operator to plead an affirmative defense of assumption of risk by the participant if a participant brings an action for damages arising from the operation of a registered farmers market. The bill requires any limitation on legal liability afforded to a registered farmers market operator be in addition to any other limitation of legal liability otherwise provided by law. It provides instances for limited liability.  
**Effective Date:** 11/01/2017 **Emergency:** No  
**Principal Authors:** Jech, Darcy (S); Hilbert, Kyle (H)  
**Status:** Governor Action - Signed **Status Date:** 05/03/2017

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[SB0765](#)  **Paraphrase:** SB0765, by Sen. Ervin Yen, R-Oklahoma City and Rep. Katie Henke, R-Tulsa, makes it unlawful for a person under 18 years of age to use any tanning device of any tanning facility. The bill defines applicable terms. It exempts any physician who is duly licensed to practice medicine and who uses

or prescribes to be used a phototherapy device with respect to a patient of any age in the practice of medicine. It requires the owner, lessee or operator of a tanning facility to post in a conspicuous place in each tanning facility owned, leased or operated by that person a notice, available on the State Department of Health's website, that states all of the following: it is unlawful for a tanning facility or operator to allow a person under 18 years of age to use any tanning device; that a tanning facility or operator that violates one or more provisions of this section may be subject to a civil penalty; that an individual may report a violation of one or more provisions of this section to the local law enforcement agency; and that health risks associated with tanning include but are not limited to skin cancer, premature aging of skin, burns to the skin and adverse reactions to certain medications, foods and cosmetics.

**Effective Date:** 11/01/2017    **Emergency:** No

**Principal Authors:** Yen, Ervin (S); Henke, Katie (H)

**Status:** Governor Action - Signed    **Status Date:** 05/02/2017

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[SB0774](#) **Paraphrase:** SB0774, by Sen. Kimberly David, R-Porter and Rep. Chad



Caldwell, R-Enid, modifies the fee for an application for a license, or renewal thereof, to establish or operate a residential care home, changing it from \$50 to an amount established by the State Board of Health by rule, provided such fee does not exceed \$10 per bed or \$500. It requires all residential care homes to have or employ a licensed administrator for the home, replacing the requirement for the homes to have or employ a certified administrator for the home. The bill also requires each home that proposes new construction or major alteration to submit construction plans to the Department for review prior to the start of construction. It permits the Department to assess a fee for the review in an amount not more than 0.15 percent of \$25,000, whichever is less, per project of the total construction cost of the facility or modification. It requires the State Board of Health to promulgate rules for submission and resubmission of construction plans to ensure the timely review. It reduces the number of times residential care homes must be inspected from three times annually to one time annually. It eliminates the requirement that the inspections be unannounced and permits the inspections to be unannounced. It also eliminates the requirement that one person be invited from a statewide organization of the elderly or disabled by the Department to act as a citizen


observer in any inspection and changes it to permits one person be invited from a statewide organization of the elderly or disabled by the Department to act as a citizen observer in any inspection. (Amended by House, Amended by Senate, Stricken Title, Stricken enacting clause, Committee Substitute)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** David, Kimberly (S); Caldwell, Chad (H)

**Status:** S House Amendments - Read **Status Date:** 04/27/2017

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[SB0811](#)  **Paraphrase:** SB0811, by Sen. Kimberly David, R-Porter and Rep. John Enns, R-Enid, removes restrictions related to residential substance abuse centers. (Amended by House, Amended by Senate, Committee Substitute)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** David, Kimberly (S); Enns, John (H)

**Status:** S House Amendments - Read **Status Date:** 04/11/2017

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[SB0827](#)  **Paraphrase:** SB0827, by Sen. Jason Smalley, R-Stroud and Rep. Chad Caldwell, R-Enid, expands the definition of "owner" as it relates to the Nursing Home Care Act. (Amended by House, Amended by Senate, Committee Substitute)

**Effective Date:** 11/01/2017 **Emergency:** No

**Principal Authors:** Smalley, Jason (S); Caldwell, Chad (H)

**Status:** Conference - Requested **Status Date:** 05/01/2017

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